MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2019/2020

UCR2612 – CRIMINAL LAW I

(All Sections / Groups)

23 OCTOBER 2019
Reading Time : 9.00 A.M. – 9.15 A.M.
(15 Minutes)
Answering Time: 9.15 A.M. – 12.15 P.M.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 4 pages with 5 Questions in TWO Parts.

3. Attempt **FOUR** out of FIVE questions. You are required to choose **ONE** question in **PART A** whereas in **PART B** all questions are **COMPULSORY** to be answered. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are allowed to bring into Examination Hall CLEAN and ORIGINAL copy of Penal Code (Act 574). Students are not allowed to lend or borrow the statute during the Examination.

5. Please write all your answers in the Answer Booklet provided.

PART A (CHOOSE ONE OUT OF TWO QUESTIONS)

QUESTION 1

Atie was a Rose's maid but she had no working experience before. Hence she made a lot of mistakes in her works. Rose was upset and as punishments, Atie was often scolded, hit and denied her meals. As a result of Rose's abuse, Atie suffered permanent loss of hearing on her left ear. One day, Atie broke an antique plate and Rose had uttered to her "Useless person. It is better you and your mom die", and Rose started to hit her. Atie loss her patient and she hit Rose's head with a pestle ("lesung") hoping that Rose would be unconscious so that she could run away from the house. Due to the hit, Rose fell on the floor. Atie fled immediately and stayed at her friend's house. Atie was arrested two days later for killing Rose. The hospital declared that Rose died due to blood clot in the brain caused by blunt trauma force. Atie claimed that she had no intention to kill Rose. She was charged under section 302 of the Penal Code but her counsel made a representation for the charge to be reduced to section 304 of the Penal Code.

Based on the above:

a) Determine whether her charge may be reduced to section 304 of the Penal Code?
(20 marks)

b) Assuming that Rose had died not because of blood clot in the brain but due to internal complication while receiving treatment by hospital, can Atie still be held liable for the killing?
(5 marks)

(Total 25 marks)

QUESTION 2

One fine night, Carl and Burn went to Happy Pub ("the Pub"). Burn parked his car near the Pub. They were just hanging out with their friends and did not consume any alcohol while they were there. At about midnight, Burn noticed that his car had been blocked by another car that belongs to Paul. Burn lost his temper and began to honk. He also cursed the driver of the car with foul words. Paul later came out from the Pub with his girlfriend Susan and offered his apology to Burn but he did not accept it. Suddenly Burn took out a baseball bat from inside his car and started to hit Paul at his head. Paul fell to the ground immediately. Susan tried to help Paul but Carl pushed her to the ground as well and she suffered bruises on her palm. Without offering any help, Carl and Burn left the Pub. Paul died after being hospitalised for three days while Susan received an outpatient treatment.

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Burn and Carl were arrested later. During investigation, Burn claimed that he saw a Rambo knife in Paul's car and he hit him first as he was afraid that Paul would injure him for his action and foul languages. Carl on the other hand said he had accidentally pushed Susan.

Decide, based on the above:

a) Whether Burn may be liable for the murder of Paul?

(15 marks)

b) Whether Carl may be liable for the injury suffered by Susan?

(10 marks)

(Total 25 marks)

PART B (ALL QUESTIONS ARE COMPULSORY TO BE ANSWERED)

QUESTION 3

Raymond and Trina have been married for 10 years. Raymond has been recently working overtime as he was planning to apply for a promotion at the end of the year. This caused him to come home late almost every night which made Trina suspect that her husband was having an affair with his secretary Martha, whom Trina has met.

Raymond tried explaining to his wife about his overtime and the promotion but she refused to believe. He did not take Martha's insecurities seriously, since he thought that she would be happy once he gets the promotion.

One night as he got home late, Trina was waiting for him at the door. As he got into the living room, she splashed a bottle of acid on his face. Raymond screamed and groaned in pain. Trina subsequently injured Raymond's hand with a stick. The neighbors heard Raymond screaming and rushed into their house. Raymond was taken to the hospital. The doctors have said that he will lose his sight on the right eye permanently and Trina's attack has also caused him bruises on his left hand.

Assuming Trina is being charged of causing grievous hurt and hurt to Raymond. Describe the offences which were committed by Trina.

(Total 25 marks)

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QUESTION 4

During a busy afternoon, Ah Hong was driving his eight months pregnant wife, Susie, to the hospital as she was bleeding profusely after falling off from the stairs at their home. In a rush, Ah Hong drove at 80 km/hour in front of a school which the speed limit was only 30 km/hour. Ah Hong knocked down Ahmad, a school boy, who was crossing the road at that time. Without stopping or offering any help, Ah Hong drove off to the hospital anxiously as Susie cried in pain. Ahmad had been taken to hospital and was declared death upon arrival to the hospital.

Based on the fact:

a) Determine whether Ah Hong is liable of an offence and/or if there is any defence available for him.

(20 marks)

b) Assuming that the medical assistance was delayed as the ambulance was slowed due to traffic congestion; can Ah Hong be exempted from his liability?

(5 marks)

(Total 25 marks)

QUESTION 5

Becky and Mary are classmates and they will both be sitting for the SPM exams at the end of this year. They have always been competitive and jealous of each other's progress. Becky has been the top student in her class since 2017 and her achievement has made Mary very unhappy. Mary had been thinking of ways to stop Becky from sitting for the final exams. She finally decided that she would injure Becky so that she would not be able to sit for exams.

Having made up her mind, last Monday, Mary bought a knife and she hid it in her school bag. After school, Becky was leaning on a tree while waiting for her father to pick her up. Mary followed Becky, and when no one was watching, Mary stabbed Becky several times on her back. She then ran from the scene. The security guard saw what had happened and immediately called the ambulance and the police.

The Prosecution is charging Mary under section 322 of the Penal Code for the injuries sustained by Becky.

Discuss the defences that could be raised under the following circumstances:

a) If Mary was 11 years old;

(6 marks)

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b) If she alleges that it was an accident and she had actually intended to cut a brunch of the tree, where Becky was leaning on;

(7 marks)

c) What would your answer be if Mary has been suffering with mental health problems since her secondary school days?

(7 marks)

d) Assuming Becky had died immediately because she had a rare blood disorder and this has caused Mary to believe that she must not be held responsible for her actions. Explain to Mary her position.

(5 marks)

(Total 25 marks)

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